

Honorable John H. Chun

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

MATTHEW BECKER, a Washington resident;  
LAUREN KUEHNE, a Washington resident;  
ADAM CRISWELL, a Washington resident;  
KRYSTAL CRISWELL, a Washington  
resident; ALFEE DIXON, a Washington  
resident; TYSON FARLEY, a Washington  
resident; DONALD FINISTER SR., a  
Washington resident; CHRISTOPHER HART,  
a Washington resident; JASON KOVACK, a  
Washington resident; RICKY LORENSIUS, a  
Washington resident; HEATHER MAREK, a  
Washington resident; MICHAEL MARTIN, a  
Washington resident; DAISEY MARTINEAR,  
a Washington resident; GRACE MATEIAK, a  
Washington resident; IAN MATEIAK, a  
Washington resident; JOHN MELOPRIETO, a  
Washington resident; TRAVIS NEUMAN, a  
Washington resident; ARIEL NEUMAN, a  
Washington resident; MICHELLE PAULINO,  
a Washington resident; JOHN PAULINO, a  
Washington resident; JAMES RAMPONI, a  
Washington resident; LINDSEY RAMPONI, a  
Washington resident; ERIC MCCANDLESS, a  
Washington resident; PAIGE ROE, a  
Washington resident; PAUL ROHRER, a  
Washington resident; ANDREW SICAT, a  
Washington resident; NICOYA MCKINSEY, a  
Washington resident; JEREMY SIERRA, a  
Washington resident; ERICA SIERRA, a  
Washington resident; DARIUS USMAN, a  
Washington resident; KRISTEN ZABAGLO, a  
Washington resident; DAVID WILSON, a  
Washington resident; IAN LAUGHLIN, a  
Washington resident; SHELLY LAUGHLIN, a  
Washington resident; TAMMARA BOYLES, a  
Washington resident; and BOBBY BOYLES, a

Cause No. 3:21-cv-05185-JHC

PLAINTIFFS MOTION TO ENTER  
AMENDED MOTIONS IN LIMINE

Noting Date: January 13, 2023

PLAINTIFFS MOTION FOR A TRIAL  
CONTINUANCE - 1  
(Cause No. 3:21-cv-05185-JHC)

SKOGLUND LAW LLC  
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SAMMAMISH, WA 98074  
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Washington resident; LAIN SUPE, a  
 Washington resident; TIM WRIGLEY, a  
 Washington resident; BILLY LUNSFORD, a  
 Washington resident; ROBIN LUNSFORD, a  
 Washington resident; CAMERON  
 FLEWELLEN, a Washington resident;  
 CHELSEA FLEWELLEN, a Washington  
 resident; MOHAMMAD SIDDIQUE, a  
 Washington resident; AMY HO, a Washington  
 resident; MATTHEW GROFF, a Washington  
 resident;

Plaintiffs,

vs.

TIG INSURANCE COMPANY, as successor  
 by merger to AMERICAN SAFETY  
 INDEMNITY COMPANY, a foreign insurer;  
 ARCH EXCESS & SURPLUS INSURANCE  
 COMPANY, a foreign insurer; UNITED  
 SPECIALTY INSURANCE COMPANY, a  
 foreign insurer; TRAVELERS INDEMNITY  
 COMPANY, a foreign insurer; ARCH  
 INSURANCE GROUP, a foreign insurer;  
 ATLANTIC CASUALTY INSURANCE  
 COMPANY, a foreign insurer; NEVADA  
 CAPITAL INSURANCE COMPANY, a  
 foreign insurer; NAUTILUS INSURANCE  
 COMPANY, a foreign insurer; WESTERN  
 WORLD INSURANCE, a foreign insurer;  
 OHIO CASUALTY INSURANCE  
 COMPANY, a foreign insurer; PREFERRED  
 CONTRACTORS INSURANCE CO. RRG  
 LLC, a foreign insurer;

Defendants.

## I. INTRODUCTION

Plaintiffs, by and through their attorney of record, ask the Court to grant their motion to file amended motions in limine. On December 22, 2022, the homeowners sent TIG drafts of their motions in limine. Unfortunately, the homeowner's counsel became extremely ill after

1 Christmas, so they had to file the drafts or miss the deadline. The basic facts and arguments are  
 2 already in the record. However, they are drafts with missing legal and fact citations. The  
 3 homeowners have finalized the motions in limine and combined them into one document to bring  
 4 them into compliance with the local rules. The homeowners' amended motions in limine are  
 5 attached to the fourteenth declaration of Todd Skoglund as Exhibit 10.

## 6 II. FACTS

7 The homeowners' sent their motions in limine to TIG on December 22, 2022, a week  
 8 before they were due on December 27, 2022. (Fourteenth Declaration of Todd Skoglund Ex. 8).  
 9 On December 24, 2022, the homeowner's counsel's daughter fell extremely ill for 36 hours.  
 10 (Fourteenth Decl. Skoglund ¶ 6) After a few hours of rest and work, the homeowner's counsel  
 11 came down with the same illness and was extremely sick for three days. Being unable to work  
 12 and finalize the motions in limine on December 27, 2022, the homeowner's counsel was forced  
 13 to file the drafts he had sent TIG the previous week. (Fourteenth Decl. Skoglund ¶ 6.).

14 Although still ill, the homeowner's counsel started working again on December 31,  
 15 2022, but he missed several federal filing dates. The homeowner's counsel has diligently tried  
 16 to catch up but is a solo practitioner. A family emergency involving heart surgery had already  
 17 set him behind schedule. While already playing catch up, he fell ill; this put him further behind.  
 18 Since returning to work, he has worked nine or more hours every day. The homeowners reached  
 19 out to discuss and see if TIG would stipulate but withholdings the trial preparation were unable  
 20 to connect.

## 21 III. RELIEF REQUESTED

22 The plaintiffs request the court grant the homeowner's motion to file their amended  
 23 motions in limine.  
 24  
 25

#### IV. DISCUSSION

Under Federal Rule of Civil Procedure 16(b)(4), a scheduling order may be modified for a good cause and with the judge's consent. *See also* Local Civil Rule ("LCR") 16(b)(6); Fed.R.Civ.P. 6(b)(1)(A). "[R]equests for extensions of time made before the applicable deadline has passed should normally be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (internal quotations and alterations omitted).

There was nothing the homeowner's counsel could do but file the drafts, and there is no prejudice as TIG had drafts of most of the motion in limine since December 22, 2022.

#### V. Conclusion

The draft motions in limine filed to make the necessary arguments, but they still need to be completed as all are drafts. It is not the homeowner's fault that their counsel became extremely ill, and they should not be punished for his illness. The homeowners amended motions in limine are attached to the fourteenth declaration of Todd Skoglund as Exhibit 10.

DATED this eighth day of January 2023

#### **SKOGLUND LAW LLC**

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